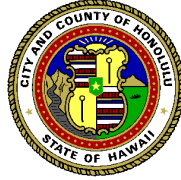


**NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 406 * HONOLULU, HAWAII 96813
PHONE: (808) 768-3710 * FAX: (808) 768-3711 * INTERNET: www.honolulu.gov/nco

KIRK CALDWELL
MAYOR

NICOLE A VELASCO
EXECUTIVE SECRETARY



TESTIMONY OF NICOLE A. VELASCO,
EXECUTIVE SECRETARY OF THE NEIGHBORHOOD COMMISSION,

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015

Friday, February 27, 2015
9:05 A.M., Room 016
Hawaii State Capitol

Testimony on S.B. No. 419 SD1, RELATING TO NEIGHBORHOOD BOARDS

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

I am Nicole Velasco, Executive Secretary of the Neighborhood Commission, writing in **STRONG SUPPORT** of S.B. No. 419 SD1 that allows neighborhood board members to attend certain meetings under certain circumstances.

S.B. No. 419 SD1 creates a new permitted interaction for Neighborhood Board members that would allow more than a quorum of members to attend a meeting or event of another entity that is free, open to the public, and does not require registration to attend. Examples of such a meeting or event include but are not limited to a district town hall, a City Council meeting, and an event designed to inform community stakeholders.

In consultation with the Office of Information Practices (OIP), we offer the below substantive amendments to clarify the permitted action allowing more than a quorum to attend, and to add a reporting requirement so that member attendance and a summary of topics discussed are disclosed at the next neighborhood board meeting to be entered into official public record:

[§92-82] Permitted interactions of neighborhood board members. (a) Two or more members of a neighborhood board, but fewer than the number of members necessary to constitute a quorum for the board, may attend informational meetings or presentations on matters relating to official board business, including meetings of another entity, seminars, and community meetings; provided that the presentation is not specifically and exclusively organized

for or directed toward members of the neighborhood board.

(b) Without limitation on the number of members, neighborhood board members may attend meetings or presentations that are open to the public and do not charge a fee or require registration on matters relating to official board business provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board.

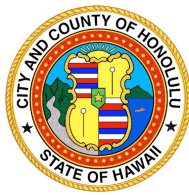
~~(b)~~ (c) Neighborhood board members may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation allowed by subsection (a) or (b); and provided further that there is no commitment made relating to a vote on the issue. The board members, at the next duly noticed meeting of the neighborhood board, shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

[L 2008, c 153, pt of §1]

This measure is the result of consistent and widespread complaints regarding the inability of neighborhood board members to attend informational events due to the effects of the Sunshine Law on neighborhood boards, which remain purely advisory in nature and are disallowed from taking any legislative action. At present, the Sunshine Law currently restricts to less than a quorum the attendance of neighborhood board members at informational events. Despite the mission and participatory nature of the Neighborhood Board system, current state law still excludes many board members who would like to attend and participate in informational meetings and events.

S.B. No. 419 SD1 and the suggested amendments will bolster participation of neighborhood board members at a time when civic engagement matters most.

Thank you for your consideration and this opportunity to testify.



HAWAII KAI NEIGHBORHOOD BOARD

GREG KNUDSEN

At-Large
Chairperson

ELIZABETH REILLY

At-Large
Vice Chairperson

RENÉ GARVIN

At-Large
Secretary

MAXINE RUTKOWSKI

Subdistrict #4
Treasurer

NATALIE IWASA

At-Large

ROBERT CLARK

Subdistrict #1

MARIAN GREY

Subdistrict #2

CARL MAKINO

Subdistrict #3

Vacant

Subdistrict #5

HERB SCHREINER

Subdistrict #6

AMY MONK

Subdistrict #7

GENE TIERNEY

Subdistrict #8

Vacant

Subdistrict #9

ROBERTA MAYOR

Subdistrict #10

PAIGE ALTONN

Subdistrict #11

Hawaii Kai
Neighborhood Board No. 1
c/o Neighborhood Commission
530 So. King St., Rm. 406
Honolulu, Hawaii 96813
Phone: (808) 768-3710
Fax: (808) 768-3711

Neighborhood Commission:
www.honolulu.gov/nco

*Hawaii Kai Neighborhood
Board meets the last Tuesday
of every month (except Dec.),
7 p.m., Hahaione Elementary
School cafeteria. The public is
welcome to attend.*

SENATE COMMITTEE ON JUDICIARY AND LABOR

Friday, February 27, 2015, 9:05 a.m.

State Capitol, Room 016

Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

Testimony in Support of SB419, SD1 – Relating to Neighborhood Boards

The Hawaii Kai Neighborhood Board on February 24, 2015, voted unanimously to join the Neighborhood Commission in its support of SB419, SD1, which allows neighborhood board members to attend certain meetings under certain circumstances.

Neighborhood boards are grassroots, community-based, representative bodies. To effectively serve their constituents, members must have unrestrained ability to participate in informational community activities and events that educate them on issues of concern.

Under current rules, a majority of neighborhood board members are not even able to attend town hall meetings organized by the Mayor's Office in their own communities. Only seven members, or one less than a quorum for our 15-member board, could attend such a meeting while eight would not be allowed. This works against the purpose and intent of neighborhood boards as elected, representative community organizations.

Neighborhood boards are advisory and can only express recommendations. Our meetings are subject to advance posting, open discussion, and open voting provisions of the Sunshine Law. While SB419 allows unrestricted participation by board members in informational community events, it requires reporting of member attendance and board-related issues discussed in such events at our regular public meetings, and continues to prevent members from making vote commitments outside of our public meetings.

The Hawaii Kai Neighborhood Board urges the Committee on Judiciary and Labor and all legislators to support and approve SB419, SD1. Mahalo.

Aloha,

Greg Knudsen, Chairperson

1205 Kaeleku Street
Honolulu, Hawaii 96825
(808) 395-3725, 224-0790
knudsen123@gmail.com





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SENATE COMMITTEE ON JUDICIARY AND LABOR
Decision Making Scheduled 9:05 am Friday, February 27, 2015, Conference Room 016
SB 419, SD 1 RELATING TO NEIGHBORHOOD BOARDS
TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Keith-Agaran, Vice-Chair Shimabukuro, and Committee Members:

The League of Women Voters of Hawaii opposes SB 419, SD 1. Because of the strange way the bill amends Section 92-82(a), Hawaii Revised Statutes, we are unsure of the bill's intent. However, we think the bill's intent is to allow a quorum or even all members of a neighborhood board, without notice of a board meeting, to attend a non-board informational meeting or presentation on matters relating to official board business.

The League does not object to a quorum or even all neighborhood board members ***listening or asking questions*** at a non-board meeting or presentation. Our concern with SB 419, SD 1 is that Section 92-82(b), Hawaii Revised Statutes, authorizes all neighborhood board members attending a non-board informational meeting or presentation to participate in discussions of neighborhood board matters, including discussions among themselves, as part of the informational meeting or presentation. The League believes that discussions of neighborhood board matters by a neighborhood board quorum should take place, after public notice, at neighborhood board meetings.

The League also would like to point out that Oahu's neighborhood boards sometimes assume functions that are not strictly advisory. For example, the State Land Use Commission (LUC) has admitted Oahu neighborhood boards as parties to LUC contested case hearings, Hawaii courts have allowed Oahu neighborhood boards to file and participate in civil actions, and developers have allowed neighborhood boards to select members of private non-profit boards which administer developer-funded charities.

Thank you for the opportunity to present testimony.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701
Honolulu, HI 96813

Office: (808) 531-4000
Fax: (808) 380-3580
info@civilbeatlawcenter.org

Senate Committee on Judiciary & Labor
Honorable Gilbert S.C. Keith-Agaran, Chair
Honorable Maile S.L. Shimabukuro, Vice Chair

RE: Testimony Opposing S.B. 419 S.D. 1, Relating to Neighborhood Boards
Hearing: February 27, 2015 at 9:05 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 419 S.D. 1. The Law Center opposes this bill.

As drafted, the intent of S.B. 419 is unclear. To the extent the bill—contrary to the current draft—seeks to create a new exception for a quorum or more of neighborhood board members to attend *and participate* in certain outside meetings, such as lobbyist or developer presentations, S.B. 419 should be held.¹

It is commendable that neighborhood board members wish to attend community meetings and presentations to learn about constituent concerns. Informed board members better serve their respective neighborhoods. Thus, the Law Center has no objection to clarifying that a quorum or more of neighborhood board members may attend (*i.e.*, observe and listen) outside meetings under the conditions specified in S.B. 419.

The Law Center objects, however, to stripping board members of any obligation to deliberate publicly. Having accepted the privilege of representing their community, neighborhood board members currently have an obligation under the Sunshine Law to deliberate *as a body* only at a duly noticed board meeting. If S.B. 419 permits a quorum or more of board members to participate in discussions at outside meetings, the exception will swallow the rule.

¹ In prior testimony to the Senate Committee on Public Safety, Intergovernmental & Military Affairs, the Neighborhood Commission Office clarified the intent, but offered a proposed revision that still failed to unambiguously express that intent. On the presumption that the City will propose an amendment that conforms to its stated intent, the Law Center addresses only the intent, not the current draft bill language.

Without the typical Sunshine protections:

1. The public does not receive advance notice that the neighborhood board will deliberate on board business at an outside meeting. Members of the public who wish to observe board deliberations will be hard pressed to attend every community meeting that might tangentially touch on matters of interest.²
2. The public does not have an opportunity to be heard before the board deliberates. S.B. 419 is intended to permit board members to discuss board business up to the point of voting. Board members could form a collective opinion based on the limited perspective of the meeting organizer without hearing from other stakeholders.
3. There would be no record of the board's deliberations. S.B. 419 would authorize the board to hold a Sunshine meeting and simply report: "We discussed this matter at Developer X's community meeting last week. Let's vote."

To the extent the Neighborhood Commission Office or others may claim that the neighborhood boards will not abuse the expansive exception intended by S.B. 419, Sunshine violations by neighborhood boards in the last five years suggest otherwise:

- Board let developer make presentation, then adjourned without permitting any member of the public to testify, OIP S Memo. 13-6.
- Board refused to permit testimony at some meetings and discriminated in applying testimony limits at other meetings, giving preferential treatment to some testifiers, OIP S Memo. 12-13.
- Board members deliberated on board matters by e-mail, OIP S Memo. 12-12, OIP S Memo. 11-10.
- Board committee failed to prepare any minutes, OIP S Memo. 10-1.

Neighborhood boards are the most basic building block for government decisions, and the easiest forum for members of the general public to become involved in the policy making process. The public is entitled to the fundamental protections provided by the Sunshine Law.

Thank you again for the opportunity to testify.

² And that assumes that the outside meetings are sufficiently advertised to notify the general public. The conditions proposed by the City and County of Honolulu only require that an outside meeting be free, open to the public, and not organized exclusive for the neighborhood board; it does not specify a standard for adequate public notice.

From: [louis erteschik](#)
To: [JDL Testimony](#)
Subject: FW:
Date: Wednesday, February 25, 2015 2:43:48 PM

To: jdltestimony@capitol.hawaii.gov
Subject: FW:
Date: Wed, 25 Feb 2015 14:40:54 -1000

RE: SB 419 SD1
Relating To Neighborhood Boards
Hearing Feb 27,2015 9:05 AM Room 016

The Waikiki Neighborhood Board is in support of this bill. It will allow members to attend community meetings so that they can better perform their role. We concur with the testimony of the Neighborhood Commission.

Louis Erteschik
Vice Chairman

From: [Sylvia Young](#)
To: [JDL Testimony](#)
Subject: Testimony in support of SB419
Date: Wednesday, February 25, 2015 8:30:36 PM

Dear Chair Keith-Aragan and Committee Members:

I am Sylvia Young, Chair of the Neighborhood Commission.

At a duly convened meeting of the Neighborhood Commission held on February 23, 2015' the Neighborhood Commission voted 6-2-0 to support in concept SB419.

Should you have any questions, you may contact me

Sent from my iPad

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB419 on Feb 27, 2015 09:05AM
Date: Wednesday, February 25, 2015 12:03:57 PM

SB419

Submitted on: 2/25/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Glanstein	Individual	Oppose	No

Comments: The proposed bill allows for more abuse of Sunshine than it prevents. It also will help to defeat the public's right to know how their Neighborhood Board deliberates on various issues. The requirement that, " [...]" and that no member makes a commitment to vote on any of the issues discussed" is substantially unenforceable.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Date: Wednesday, February 25, 2015 12:04:55 PM

SB419

Submitted on: 2/25/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Comments Only	No

Comments: Please accept this as testimony opposed to this ill advised bill. I urge you to defer this ill advised bill. It is no more than an attempt by the Mayor of the City and County of Honolulu to circumvent the meaning and spirit of the sunshine law, in the hope that by permitting neighborhood board members to go en masse to meetings where they could well be brainwashed by what happens at the meetings, where they can talk amongst themselves at the meeting, and come to a position without committing to vote a certain way. The legislature several years ago made some carve outs to the sunshine law, and those are sufficient. If it is inconvenient for the neighborhood board members to follow the current law, so be it. That is part of their job. This is just a run around the law. Executive Secretary Velasco's testimony saying the boards are purely advisory, does not sit well. Other boards and commissions as well as the Council and Legislature take the boards' comments seriously. Grass roots civic engagement is paramount for the public to be heard. It is at the grass roots level that the law needs to be more stringent, not watered down as Mayor Caldwell wants. As a long-time neighborhood board member I am appalled by this proposal. Former Mayor Jeremy Harris created the vision teams as a way to circumvent the boards because the boards would not do his bidding. Senate President Kim and others back then went to the Office of Information Practices which ruled that the vision teams were subject to the sunshine law, and the vision teams died a well deserved death. At the meeting with OIP, Mayor Harris packed the room with his appointees. I brought that to OIP's attention, and it was made more clear when they were asked to raise their hands. This measure will open the door to opacity and backroom deals. Who will come to you next for an exemption, the HCDA, Liquor Commissions, DLNR board? Exemptions must end with no more granted. Please defer and do not take any action. Lynne Matusow

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Subject: Submitted testimony for SB419 on Feb 27, 2015 09:05AM
Date: Wednesday, February 25, 2015 1:57:28 PM

SB419

Submitted on: 2/25/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Oppose	No

Comments: Maybe it's my experience(s) here, which makes me trepidatious about such a broad wording, as "Allows neighborhood board members to attend certain meetings under certain circumstances". As during previous years (approximately 7 yrs ago, with a relapse in the past 2 yrs.) parties were conducted in my neighborhood complete with microphone, about how the "neighborhood board" were meeting somewhere in my neighborhood where I could hear them with commentary of "petitions" being created and other directed commentary of how they were targeting me. (Never received anything formal from any Government department. And I did request patrols in my area because of the sudden heavy traffic coming onto my street & noise from the late night parties.) Now, this may have nothing to do with the actual "neighborhood board", but I still believe that some criteria's as to what types of meetings or circumstances would call for members of the neighborhood board to attend outside functions, such as would there be a log/minutes as to what/where/why they needed to attend a gathering outside of the norm, purposes for the meetings, etc. (Not that it would prevent extracurricular activities - as it seems people will do what they want regardless - but with some boundaries/liabilities/etc.)

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Subject: Submitted testimony for SB419 on Feb 27, 2015 09:05AM
Date: Thursday, February 26, 2015 8:07:29 AM

SB419

Submitted on: 2/26/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mo Radke	Kaneohe Neighborhood Board #30	Support	No

Comments: Allowing board members, in any number, to attend free meetings/briefings can serve to enhance the education process. Board members work very hard to gain an understanding of many issues and having to concern themselves with the number of other board members in attendance, is cumbersome and counter-productive to efficient education on issues. Because the Sunshine Law and the Neighborhood Plan have explicit language pertaining to board member conduct, the Kaneohe Neighborhood Board #30 supports eliminating the restriction on Board Member attendance at public meetings.

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Subject: Submitted testimony for SB419 on Feb 27, 2015 09:05AM
Date: Thursday, February 26, 2015 9:16:15 AM

SB419

Submitted on: 2/26/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Zahn	Individual	Oppose	No

Comments: Strongly Oppose.

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Subject: *Submitted testimony for SB419 on Feb 27, 2015 09:05AM*
Date: Thursday, February 26, 2015 9:49:14 AM

SB419

Submitted on: 2/26/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments:

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Date: Thursday, February 26, 2015 5:15:55 PM

SB419

Submitted on: 2/26/2015

Testimony for JDL on Feb 27, 2015 09:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	Individual	Support	No

Comments: Chair, Judiciary & Labor Vice Chair, & Right Honorable Members of the JDL Committee, Hawaii Senate I support SB 419- RELATING TO NEIGHBORHOOD BOARDS. Report Title: Neighborhood Boards; Public Agency Meetings; Permitted Interactions Description: Allows neighborhood board members to attend certain meetings under certain circumstances. Effective July 1, 2050. (SD1) Companion: Package: City and County of Honolulu Current Referral: PSM, JDL Introducer(s): KIM (Introduced by request of another party) Over the years since the early 1980s, I have been a neighborhood board member starting with Kalihi-Palama, later upon return from Texas, the Liliha Neighborhood Board, and subsequently with the Kalihi Valley Neighborhood Board, the district which include the Senatorial District of the Sponsor. Recommend this measure be reported out to the full Senate for approval and for consideration by your colleagues in the House. The effective date of July 1, 2050, should remain as is and agreed upon a mutually acceptable date at confence, if that is alright with the JDL Committee, unless, it is the desire of your majority to move up the effective date to a more current 2-4 year window from approval date. Mahalo for this opportunity to submit testimony. Arvid Tadao Youngquist Oahu Resident and Voter

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